

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

JUN 15 2007

D. MARK JONES, CLERK
BY js
DEPUTY CLERK

FILED
U.S. DISTRICT COURT

2007 JUN 13 P 4:00

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

DISTRICT OF UTAH

BY: W
DEPUTY CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.2:06CV00816 BSJ

CONSENT JUDGMENT

JEFFREY CLARK and TANIA CLARK,

Defendants.

The Court, having received the Stipulation for Consent Judgment filed in this matter, makes the following findings:

1. The United States of America filed a civil complaint against Jeffrey Clark and Tania Clark in the United States District Court for the District of Utah, alleging claims under the False Claims Act, 31 U.S.C. § 3729, *et seq.*, as amended, and also alleging common law claims for fraud, unjust enrichment, and payment by mistake of fact in connection with claims submitted to the federal government by Jeffrey Clark and Tania Clark for a medical hardship transfer that resulted in single damages to the United States in the amount of \$47,805.88.

2. This Court has jurisdiction over the subject matter of this action and over the parties pursuant to 28 U.S.C. § 1345 and 31 U.S.C. § 3730(a). Venue is proper in this Court pursuant to 31 U.S.C. § 3732(a) and 28 U.S.C. § 1391(b). The Complaint states a claim upon which relief may be granted against Jeffrey Clark and Tania Clark. Jeffrey Clark and Tania Clark consent to and shall

12

not challenge entry of this Consent Judgment or this Court's jurisdiction to enter, or enforce this Consent Judgment.

3. This Consent Judgment shall apply to and be binding upon Jeffrey Clark, Tania Clark and their successors and assigns, and also on the United States on behalf of the United States Department of Justice, Drug Enforcement Administration.

4. This Court approves the Stipulation for Consent Judgment entered into by the parties in this case. Pursuant to that Stipulation, JUDGMENT is hereby entered in favor of the United States and against Jeffrey Clark and Tania Clark, jointly and severally, in the amount of \$60,000 on the United States of America's claims against Jeffrey Clark and Tania Clark under the False Claims Act, as well as the United States claims for fraud, unjust enrichment and mistake of fact. The \$60,000 judgment is inclusive of all principal, interest and penalties.

5. Jeffrey Clark and Tania Clark, jointly and severally, shall pay the \$60,000 judgment over time in monthly installments in the minimum amount of \$1,000, beginning June 15, 2007, and on the 15th day of each month thereafter, until the debt is paid in full. All payments shall be by certified bank check, personal check, or money order made payable to the United States Department of Justice and shall be sent to the United States Attorney for the District of Wyoming, P.O. Box 668, Cheyenne, WY 82003, Attn: Financial Litigation Unit. The monthly installment payments shall be sent so as to arrive at the United States Attorney's Office on or before the 15th of each month.

6. The United States shall not commence any execution or other collection activity against Defendants Jeffrey and Tania Clark (except for filing an abstract of judgment and lien) for

so long as Jeffrey and Tania Clark timely make the minimum payment of \$1,000 each month as agreed upon. If Jeffrey Clark and Tania Clark, jointly and severally, fail to make any of the \$1,000 minimum monthly payment by the fifteenth of the month, then Jeffrey Clark and Tania Clark shall be in default and the entire debt of \$60,000 (less payments made) shall be due in full. In the event of default, the United States may pursue collection of the debt by all legally available means. Failure of the United States to declare the entire debt amount due and owing upon a default by Jeffrey and Tania Clark in no way compromises the ability of the United States to enforce future defaults.

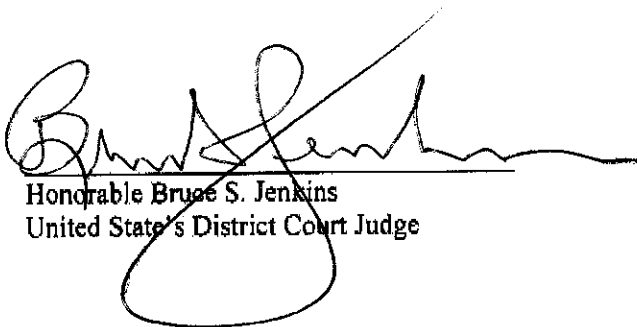
7. Jeffrey Clark and Tania Clark shall submit a financial statement and copies of their federal and state income tax returns for the prior year to the United States Attorney's Office for the District of Wyoming on May 15th of each year, until the judgment debt is paid in full. Jeffrey Clark and Tania Clark further agree to notify the United States Attorney's Office within thirty days of any change of address or employment until the judgment debt is paid in full. This Court shall have the ability to increase the minimum monthly payments if the financial statement or other information indicates the ability to make a higher installment payment amount.

8. The United States may record a judgment lien against Jeffrey Clark and Tania Clark to secure payment of this judgment debt in the amount of \$60,000. The proceeds from the sale of any real estate in which Jeffrey Clark or Tania Clark has an interest may be used to satisfy a portion or all of this judgment debt.

9. Each party shall bear their own costs and attorneys' fees incurred in any stage of this matter and the settlement thereof.

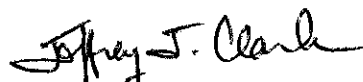
10. Upon entry of the Consent Judgment, this case is dismissed, but this Stipulation and the Consent Judgment will survive the dismissal and remain in full force and effect. This Court shall retain jurisdiction over this case for purposes of enforcing the Settlement Agreement and this Consent Judgment.

Done this 15 day of June, 2007.



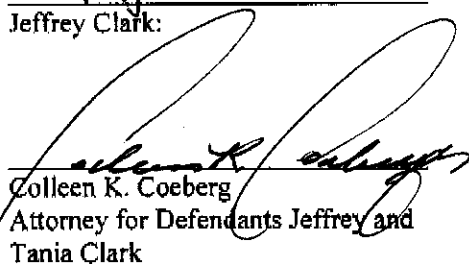
Honorable Bruce S. Jenkins
United States District Court Judge

AGREED AS TO FORM AND CONTENT:



Jeffrey Clark:

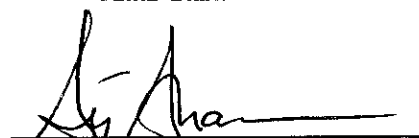
Jeffrey Clark:



Colleen K. Coeberg
Attorney for Defendants Jeffrey and
Tania Clark



Tania Clark



Steven K. Sharpe
Assistant U.S. Attorney
Attorney for Plaintiff